

JUN 30 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CESAR GOMEZ DELGADO,

Defendant - Appellant.

No. 08-50081

D.C. No. 3:07-cr-02655-LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Cesar Gomez Delgado appeals from the 57-month sentence imposed following his guilty-plea conviction for importation of cocaine, in violation of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

21 U.S.C. §§ 952 and 960. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Gomez Delgado contends the district court erred by denying him a minor role adjustment under U.S.S.G. § 3B1.2(b). We conclude that the district court did not clearly err by declining to apply a minor role adjustment. *See United States v. Hursh*, 217 F.3d 761, 770 (9th Cir. 2000).

Gomez Delgado further contends that the sentence imposed was unreasonable. We conclude that the district court did not procedurally err and that the sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38 (2007); *United States v. Carty*, 520 F.3d 984, 990-93 (9th Cir. 2008) (en banc).

AFFIRMED.